



# City of Mentor-on-the-Lake

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## MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE JUNE 27, 2017

The Regular Meeting of Council of June 27, 2017, for the City of Mentor-on-the-Lake, Ohio, was called to Order at 7:00 P.M. by Council President Desirea Thompson.

**CALL TO ORDER:** PLEDGE OF ALLEGIANCE

**ROLL CALL:**

Aye: **At Large:** PRESTON WOLK, Vice President  
Aye: **Ward 3:** ROB JOHNSON  
Aye: **At Large:** KEVIN BITTNER  
**At Large:** JIM LUNDER (Absent/Excused)  
Aye: **Ward 1:** DAVID CHABUT  
Aye: **Ward 2:** PAUL MORRIS  
Aye: **Ward 4:** DESIREA THOMPSON, President

**7:01 P.M. PUBLIC HEARING:**

**ORDINANCE NO. 2017-O-17**

**(FIRST READING: May 23, 2017; SECOND READING: June 13, 2017; THIRD READING: June 27, 2017) (ASSIGNED TO COMMITTEE)**

AN ORDINANCE AMENDING ZONING ORDINANCE 1242.03(b) IN ORDER TO ADD THE SALE AND/OR EXCHANGE OF PROPANE TANKS TO THE USES REQUIRING A CONDITIONAL USE PERMIT AND DECLARING AN EMERGENCY

The Public Hearing on Ordinance No. 2017-O-17 was called to order by Council President Desirea Thompson at 7:01 P.M.

Council President Thompson asked the Administrative Director or the Law Director to provide a brief explanation of the Ordinance.

Mr. Lyons explained Council and the Administration were of the opinion that propane tank sales should be allowed in the City. Currently there is an Ordinance, No. 660.20, regarding the sale, exchange, and storage of propane tanks in the City. Council was of the opinion at one of the Committee meetings that it would also be a good idea to have a conditional use permit, or consider the possibility of a conditional use permit, if a business in the business district in the City wanted to sell propane. In order to do that, it is necessary to amend the Zoning Code, and to amend the Zoning Code, it is necessary to have a public hearing. This Ordinance amends the Zoning Code by allowing the sale, exchange, or storage of propane tanks by a conditional use permit. If this is adopted by Council, in order for a business to sell propane in the City they

would have to obtain a conditional use permit, including a hearing before the Planning & Zoning Commission. After this was discussed at a Planning & Zoning Commission or Ordinance Committee meeting, there was further discussion indicating the sale or exchange was very regulated by the State Fire Code. If this is passed, a business needs to go through the process of obtaining a conditional use permit. If it is turned down, and if Council passes the repeal of 660.20, businesses would be able to sell or exchange propane providing they meet all the State Fire Codes.

Council President Thompson asked if anyone in the audience had questions regarding the Ordinance. There were none.

Council President Thompson asked if anyone wished to speak in favor of the Ordinance. There were none.

Council President Thompson asked if anyone wished to speak against the Ordinance. There were none.

Council President Thompson asked if any members of Council wished to comment on the Ordinance. There were no comments.

The Public Hearing on Ordinance No. 2017-O-17 closed at 7:04 P.M.

**READING OF MINUTES:** Regular Meeting of Council – June 13, 2017

The Clerk advised there was a correction on Page 7, under Ordinance No. 2017-O-22. The wording should be corrected that the Ordinance was placed on Second Reading, not a Third Reading as indicated.

**MOTION MADE BY MR. BITTNER**, Seconded by Mr. Morris, for Approval of the Minutes of the June 13, 2017, Regular Meeting of Council, as amended. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 6/0**

**CORRESPONDENCE:**

Council Member Morris advised he had received two emails from residents. One email was from the Stewarts on Dahlia about problems they had with a neighbor's hedge, blocking their view as they exited the driveway. They came to the Ordinance Meeting and he will address this at that point. He also received an email from Dorinda Myers who complained about the street parking on Sharon Drive, although she admitted it does not create any safety hazards, she is upset people are not using their driveways for the intended purpose of the driveway.

**ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:**

**Mayor and Safety Director – Mayor Eva**

Mayor Eva advised the City received a Certificate of Appreciation from the United Way of Lake County for the City's participation during the 2017 Feed Lake County drive. The donations from the City provided 147 meals for Lake County residents.

Mayor Eva advised the designee from the Lake County Auditor's Office for the CRA Tax Incentive Council will be Scott Yamamoto, Chief Deputy of Real Estate.

Mayor Eva stated the Resolution for the 2018 Budget is on Third Reading tonight, and he asked if there is a "no" vote from any member of Council on this legislation, he would like to hear about their proposed millage and which expenses would be reduced.

Mayor Eva advised there was a visit today from Dustin Russell in the Governor's Office who presented Chief Gielink and the Mayor with a Proclamation upon the City being named one of the top fifty safest cities in Ohio and he read the Proclamation. Mayor Eva said he is very proud of the City's safety forces and also gives credit to the residents.

**Administrative Director – Mrs. Bartone**

Mrs. Bartone advised all of Council's Codified Ordinance books have been updated and everything should be complete. They did find two sections that had errors and new sections will be sent to replace the pages with the errors.

Mrs. Bartone gave an update on the On-Line Checkbook. In the last ninety days there have been ten visitors to the website; seven were new visitors, three were returning visitors. The majority of the visitors were from the Mentor area based on their web addresses.

Mrs. Bartone advised regarding the path funding the City will get, it probably will not happen before the Fall Festival as they had hoped. The timing, designs will take a little longer than anticipated, and rather than have the area torn up for the festival, they will wait and plan it for mid-September.

**Law Director – Mr. Lyons (No Report)**

**City Engineer – Mr. Sayles**

Mr. Sayles advised the Lake Street Sewer Project is behind schedule but the contractor is being very cooperative with the issues with the gas company. They had to jump around and keep themselves busy while waiting for the gas company. They are doing a good job, it is moving along, and he is satisfied with the quality of the work. Everyone seems to be doing a good job with PR with the residents.

**Prosecutor – Mr. Gurley (Absent)**

**QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS: (None)**

Council Member Morris asked to go into Executive Session to discuss personnel matters involving potential criminal activity.

**7:11 P.M. EXECUTIVE SESSION OF COUNCIL:**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Wolk, to go into Executive Session. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 6/0**

**7:27 P.M. COUNCIL RECONVENED. ROLL CALL:** Council Member Wolk, Johnson, Bittner, Chabut, Morris, Thompson. **All present.**

**BOARD/COMMITTEE/COMMISSION REPORTS:**

**Board of Zoning Appeals / June 19, 2017 / Mr. Bittner**

Council Member Bittner stated the Board of Zoning Appeals met on June 19, 2017, at 7:00 P.M. to discuss a deck variance and a variance for MKFK Properties. Present were Al Buescher, Chair, David Baranski, Council Members Bittner, Lunder, and Thompson, and Mayor Eva. The Committee discussed a deck variance for 5471 Pinehurst Drive, which was approved. The Committee also discussed the MKFK Properties variance request for three properties on Iroquois for a one foot side setback to put up a two-car garage. All three variances were granted. The meeting adjourned at 8:00 P.M.

**Ordinance Committee / June 22, 2017 / Mr. Morris**

Council Member Morris stated the Ordinance Committee met on June 22, 2017, at 6:30 P.M. to discuss the feral cat ordinance, propane tank sales, and parking issues. Present were Council Members Morris, Johnson, and Chabut. Also present were Cindy Valerio with the Community Cat Companions, and Mr. and Mrs. Larry Stewart, 7580 Dahlia Drive. Council Member Morris advised Mr. and Mrs. Stewart were present to discuss a complaint concerning their neighbor's hedge blocking their vision as they back out of their driveway. Council Member Morris had checked out the complaint prior to the meeting, taking a couple of pictures and a video. He found no problems. He was informed by Brent Moore, Service Director, that he and Chief Gielink had checked this out as well and found no problems. This was discussed with Mr. and Mrs. Stewart. They then said the problem is compounded by a neighbor parking in the street. Council Member Morris explained this is a different issue that they may want to discuss at a Council Meeting or with the Police Department, but it does not apply to the Ordinance they wanted enforced concerning the hedges. Mr. and Mrs. Stewart left the meeting at approximately 7:00 P.M.

Council Member Morris stated the Committee then discussed the feral cat ordinance. A review of all proposals had been done prior to the meeting. The Committee chose a version to proceed with. Several changes were made to the version resulting in the current proposal, which is similar to Mentor's Ordinance. All Members of the Committee agreed to bring the proposal out of committee at the next Council meeting for the three readings based on the current changes.

Council Member Morris stated the Committee had a brief discussion concerning a resident's complaint about people parking on Sharon Drive rather than in their driveway. The resident confirmed for Council Member Morris by email that there was no specific safety or hazard issue other than buses getting around the parked cars during school. It was more of a personal issue. The Committee chose not to act on this at this time.

Council Member Morris stated the Committee also held a discussion concerning propane sales. The Committee agreed to have 2017-O-17 come out of Committee. The Committee wishes to repeal it or let it go down on third vote. The Meeting adjourned at 7:55 P.M.

**OPEN TO THE PUBLIC TO SPEAK: 7:30 P.M.**

**CLOSED OPEN TO THE PUBLIC SECTION: 7:31 P.M.**

**LEGISLATION BEFORE COUNCIL:**

**RESOLUTION NO. 2017-R-11 (THIRD READING)**

**A RESOLUTION APPROVING THE 2018 BUDGET**

**MOTION MADE BY MR. BITTNER, Seconded by Mr. Johnson, for Passage. ROLL CALL: Ayes: Council Member Johnson, Bittner, Chabut, Thompson. Nays: Council Member Wolk, Morris.**

**MOTION PASSED: 4/2**

**LEGISLATION BEFORE COUNCIL (Continued):**

**RESOLUTION NO. 2017-R-11 (THIRD READING) (Continued):**

Mayor Eva asked for discussion on the "No" votes. Council Member Wolk said his position has been well-stated and is on the record. Mayor Eva said he did not think it was. Council Member Wolk said it was, he had issued a letter and he spoke at great length on this during the Finance Committee, Council as a Whole, Meeting. Mayor Eva asked what his proposed millage was. Council Member Morris said he did not have a proposed millage other than the fact that he has made statements many times at various appropriation meetings, the Finance Committee meeting, that the Charter Amendment monies, even though they are spent in the avenue of which they are supposed to be spent, it did not do exactly what the citizens were promised. It is not the way the citizens voted to have the money spent. He thought he and Council Member Wolk have been very vocal about this at the various Committee meetings and that is his position on this. He does not have a millage amount. Mayor Eva asked if the schedules they have been given, or that Mrs. Bartone is prepared to give them, answers any of their questions. Council Member Morris said no. Mayor Eva stated if those questions are not answered, he does not know what else they can give them to answer their questions, and if their questions are not answered, why did they not keep asking questions until they got the right answer. Council Member Morris said he did not think the correct answer lies out there. Mayor Eva asked Council Members Morris and Wolk, when they are talking to residents and stating they voted no, that they wanted to reduce the millage, and the question comes up what is going to be lost in services, what are you going to tell the resident. Council Member Morris said he was not going to tell them anything. Council Member Wolk said he has made his position very clear, and Mayor Eva is well aware of his position. Mayor Eva asked if that is what he would tell the residents. Council Member Wolk said that is not what he would tell someone at their door, that would not make any sense. Mayor Eva asked why they are not filling him in on their plan now. Council Member Wolk stated he [Mayor Eva] has reduced the amount of General Funds going into the Police and Fire Department budgets. This was done after telling the residents that taxes needed to be raised to fund a police and fire department. What has been done is dishonest in his opinion and he has made this very clear. Council Member Morris said during the campaign for the Charter Amendments the campaign literature stated this was to save our services and stop the erosion of services. Those funds let them do a lot more than that. It was not necessary to have those funds at that height to stop the erosion, because they actually managed to bring the Fire Department back to its full strength, the Service Department took a big hit because they did not have anything on the levy that passed, which he thinks is a shame and which he would like to see corrected when all of this gets changed, and he did not bring the documents with him tonight to prove his point, but he is willing to say the Mayor has his majority vote and let's move forward and pray this does not get repeated.

**RESOLUTION NO. 2017-R-13 (SECOND READING)**

**A RESOLUTION EXPRESSING THE PREFERENCE OF COUNCIL REGARDING PINEHURST DRIVE IN THE CITY**

**MOTION MADE BY MR. WOLK, Seconded by Mr. Bittner, to amend Resolution No. 2017-R-13 to add making the street one way during drop off and pick-up hours of school days only.**

Council Member Morris asked for discussion, and stated the Safety Committee had agreed to look at this after the storm sewers on Pinehurst are completed and they see what the street is going to look like after that because at this point the Mayor has even said when they are getting ready to do Pinehurst, they are going to approach the school to see what is going to be the best way to handle traffic to and from the school. He thinks it would be more prudent to wait until after Pinehurst is done and see what the street will really look like at that point. Council President Thompson asked Council Member Wolk if he still wanted this added, and he said yes.

**LEGISLATION BEFORE COUNCIL (Continued):**

**RESOLUTION NO. 2017-R-13 (SECOND READING) (Continued):**

**ROLL CALL ON THE MOTION TO AMEND RESOLUTION NO. 2017-R-13:** Ayes: Council Member Wolk, Bittner, Thompson. Nays: Council Member Johnson, Chabut, Morris.  
**MOTION FAILED: 3/3**

Resolution No. 2017-R-13 is placed on Third Reading.

**ORDINANCE NO. 2017-O-17 (THIRD READING) (ASSIGNED TO COMMITTEE)**

AN ORDINANCE AMENDING ZONING ORDINANCE 1242.03(b) IN ORDER TO ADD THE SALE AND/OR EXCHANGE OF PROPANE TANKS TO THE USES REQUIRING A CONDITIONAL USE PERMIT AND DECLARING AN EMERGENCY

**MOTION MADE BY MR. WOLK**, Seconded by Mr. Morris, to remove Ordinance No. 2017-O-17 out of Committee. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 6/0**

Council Member Wolk made a Motion for Passage. There was no Second. Council President Thompson asked if the Ordinance failed. Mr. Lyons said there was a motion for passage but no second. All this means if it not voted on is that the Ordinance will stay on the Agenda. Council Member Morris asked even after the third reading.

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Chabut, to withdraw Ordinance No. 2017-O-17 from the Agenda. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 6/0**

**ORDINANCE NO. 2017-O-19 (THIRD READING)**

AN ORDINANCE REPEALING ORDINANCE 660.20 – STORAGE, SALE OR EXCHANGE OF PROPANE TANKS

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Johnson, for Passage. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 6/0**

**ORDINANCE NO. 2017-O-21 (THIRD READING) (ASSIGNED TO COMMITTEE)**

AN ORDINANCE REGULATING THE FEEDING OF NUISANCE ANIMALS, DEFINING EXCEPTIONS; AND REQUIRING SECURE OUTDOOR STORAGE OF REFUSE OR WASTE

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Johnson, to remove Ordinance No. 2017-O-21 out of Committee. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 6/0**

**MOTION MADE BY MR. CHABUT**, Seconded by Mr. Morris, to amend Ordinance No. 2017-O-21 as submitted to Council this evening. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 6/0**

**LEGISLATION BEFORE COUNCIL (Continued):**

**ORDINANCE NO. 2017-O-21 (THIRD READING) (ASSIGNED TO COMMITTEE)(Continued):**

Council Member Johnson asked for discussion, and stated it was their intent to keep Ordinance No. 2017-O-21 on the Agenda for two more readings for any comments from the rest of Council or the residents. Council President Thompson asked Mr. Lyons how to handle this. Mr. Lyons advised Council to make a motion to leave it on Third Reading.

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, to leave Ordinance No. 2017-O-21 on the Agenda. ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 6/0**

**ORDINANCE NO. 2017-O-22 (SECOND READING)**

**AN ORDINANCE AMENDING ORDINANCE 452.03 OF THE CODIFIED ORDINANCES OF MENTOR ON THE LAKE, OHIO**

There was no Motion for Suspension of the Rules. Ordinance No. 2017-O-22 is placed on Third Reading.

**OLD BUSINESS:**

Council Member Morris asked Mr. Lyons if Council still had to address the marijuana laws, the sale of marijuana, or if anyone remembers where this stands. Mr. Lyons said a moratorium was passed. The State of Ohio still has not come up with final regulations for the sale of marijuana. If Council wants to change the zoning laws for something that has not been concluded and they did not want this sold in the community, they could but there have not been any legal challenges on this as yet.

Council Member Wolk asked to revisit the Boards for the CRA, and asked how this should be approached. Was the City going to hold off until the County Commissioners appointed their representatives. Mayor Eva said yes, as he advised tonight Scott Yamamoto will represent the Auditor's Office and they are waiting to hear back from the County Commissioners. Council Member Wolk asked if a request was sent, and Mayor Eva said yes. Council Member Wolk asked if the intent was to wait until we hear from that office. Mayor Eva said that was his understanding. Council Member Wolk asked how they were going to advertise the openings. Council President Thompson asked how much an ad in the News Herald would cost. Council Member Wolk asked if that was required. Council President Thompson said no, but we can advertise on Facebook and the City website and post at the posting places where the Agenda is posted as well. Mrs. Bartone said this is strictly by appointment, it can be anyone's choice as long as Council agrees. Council Member Wolk asked if there was one Board or two. Mrs. Bartone said there are two, one is the Board and the other is the Tax Incentive Board. Council Member Morris asked if a press release could be sent out regarding the CRA and that there are openings on the Boards if anyone was interested rather than place an ad, and that they should contact the Administration. Mayor Eva said he would contact Betsy at the News Herald. Council President Thompson suggested the News Herald could post it on their website also. Council President Thompson asked if anyone else had any comments. Council Member Wolk advised Council he would be interested in being on the Tax Incentive Board as does Council Member Chabut. Council Member Wolk asked how many Council appoints. Mayor Eva said he was not sure a member of Council can be on that Board. Council Member Wolk stated he did not see anything prohibiting that. Mr. Lyons said he did not think Council Member Wolk could as basically he would be regulating himself and normally you cannot be in a position to regulate yourself. The Board's do not have any "oomph," Council has all the powers on this as Council has reserved to itself the right to make decisions on every CRA application. The Boards give reports to Council. It is designed to give information back to the community as to how well the program is

working. Council President Thompson asked if Council was going to have the final decision on all of the cases that are brought up and the Boards are going to report on how this is working and improving the Community. Mr. Lyons said that was correct. Council President Thompson asked about a Council Representative for the Boards. Council Member Wolk said in reading the CRA he does not see anything prohibiting a member of Council from being on the Board, and if this is just because it is inappropriate. Mayor Eva said he thought it was two members appointed by him, two members appointed by the legislative authority, one appointed by the Planning Commission, and once that is established, those five members would meet and appoint two residents to be on the Board. Council Member Wolk said that is for the CRA Housing Council. The Tax Incentive Review Council is three representatives appointed by the County Commissioners, two representatives appointed by the Mayor with Council concurrence, a representative from the County Auditor, and a representative of the Board of Education. At least two members must be residents of the City. Council Member Wolk said it sounded to him like the way it reads, the CRA Board will give thumbs up or down whether a request qualifies for a tax diversion. Mr. Lyons said without having the CRA in front of him, no, they do not get involved in that. Those Boards do not approve the CRA applications, Council does. Mr. Lyons explained what the Boards' functions will be. Mr. Lyons asked Council Member Wolk if he wanted him to research this and see whether there would be a potential conflict of interest. Council Member Wolk said yes, as he would like to be on the Tax Incentive Review Board if Council approves him to be on the Board. Council Member Wolk asked if Mr. Lyons was prepared to tell him tonight this would be inappropriate at best and would that be his official recommendation. Mr. Lyons said he did not know enough and would have to look into this further. Council Member Wolk said his status of volunteering for that Board is contingent on what Mr. Lyons determines is or is not a conflict of interest.

**NEW BUSINESS:** (None)

**OPEN TO THE PUBLIC TO SPEAK:** 8:01 P.M.

**CLOSED OPEN TO THE PUBLIC SECTION:** 8:02 P.M.

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**

Parks & Recreation Board	Thursday, June 29, 2017, at 7:00 P.M.
Ordinance Committee	Thursday, July 6, 2017, at 6:15 P.M.
Zoning Committee	Thursday, July 13, 2017, at 6:30 P.M.

Regular Agenda Meeting	Thursday, July 6, 2017, at 6:00 P.M.
Regular Council Meeting	Tuesday, July 11, 2017, at 7:00 P.M.

**ADJOURNMENT:**

**MOTION MADE BY MR. MORRIS,** Seconded by Mr. Chabut, for Adjournment. **ROLL CALL:**  
Ayes: Council Member Wolk, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 6/0**

The Regular Meeting of Council adjourned at 8:05 P.M.

**APPROVED:**

Date July 11, 2017

Attest: Joyce M. Day  
Clerk of Council

Desiree Thompson  
**DESIREA THOMPSON**  
President of Council